



# **The Commonwealth of Massachusetts**

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## **DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

### MEMORANDUM

TO: Default Service Costs, D.T.E. 03-88A-F - Service Lists

FROM: John Geary, Hearing Officer

DATE: November 26, 2004

RE: Motion to Postpone Evidentiary Hearings

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#### I. INTRODUCTION

On August 19, 2004, the Department of Telecommunications and Energy ("Department") held a procedural conference in Default Service Costs, D.T.E. 03-88A-F. Based on input from the parties, on August 25, 2004, pursuant to G.L. c. 25, § 4, the Hearing Officer established a procedural schedule. Pursuant to this schedule, evidentiary hearings will begin on November 30, 2004 for D.T.E. 03-88A-C, December 1, 2004, for D.T.E. 03-88D, December 2, 2004, for D.T.E. 03-88E, and December 3, 2004, for D.T.E. 03-88F (August 25, 2004 Hearing Officer Ruling, D.T.E. 03-88A-F). No party appealed the Hearing Officer ruling establishing the procedural schedule.

On November 9, 2004, the Attorney General of the Commonwealth of Massachusetts ("Attorney General") filed a motion requesting that evidentiary hearings be postponed until January 11, 2005 ("Motion"). As grounds for the postponement, the Attorney General states that the parties are engaged in settlement negotiations and that the additional time would permit the completion of settlement talks. The Attorney General represents that all intervenors have assented to the Motion.

#### II. RULING

When setting a procedural schedule, the Department must consider not only the instant proceeding, but also other matters under review. The procedural schedule was established on August 25, 2004, and allowed the parties a significant amount of time to settle the issues

presented in these dockets. Therefore, to ensure a timely resolution of these matters, the Attorney General's Motion is denied.<sup>1</sup>

### III. APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any affected person may appeal this ruling to the Commission by filing a written appeal with supporting documentation by 12:00 p.m. on Monday November 29, 2004. A written response to any appeal must be filed by 5:00 p.m. on Monday November 29, 2004.

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<sup>1</sup> The Department would, however, consider granting a more modest postponement so long as any proposed procedural schedule permits evidentiary hearings to be concluded on or before December 14, 2004.